

REMARKS

Claims 45-54 remain pending in this application.

In the Office Action mailed January 17, 2007, the Examiner: (1) rejects claims 45, 46, 49, 50, 52 and 53 under 35 U.S.C. § 102(b) as being anticipated by Goldstein et al. (U.S. Patent No. 5,410,326); and (2) rejects claims 47, 48, 51 and 54 under 35 U.S.C. § 103(a) as being unpatentable over Goldstein et al.

Applicants respectfully traverse each of these rejections for at least the reasons given below.

Claim Rejections - 35 U.S.C. § 102

Claims 45, 46, 49, 50, 52 and 53 are rejected under 35 U.S.C. § 102(b) as being anticipated by Goldstein et al. Initially, Applicants note that the issue date indicated on the face of the Goldstein et al. patent is April 25, 1995, which is almost three years after the effective filing date of the instant Application.¹ Thus, Goldstein et al. does not qualify as prior art under 35 U.S.C. § 102(b), and Applicants assume that the Examiner intended to reject claims 45, 46, 49, 50, 52 and 53 under 35 U.S.C. § 102(e).

¹ As pointed out in the Response filed October 14, 2005, the instant Application was filed on January 23, 2002, and (as indicated in the preliminary amendment filed on that same date) "is a continuation of application Serial No. 09/628,300, filed July 28, 2000, which is a continuation of application Serial No. 08/406,578, filed March 20, 1995, which is a divisional of application Serial No. 08/067,574, filed May 24, 1993, all of which are incorporated herein by reference."

Claims 45, 49 and 52

With respect to independent claims 45, 49 and 52, the Examiner asserts that

Goldstein teaches a method of providing an interactive display on a display device in a network that controls a remote device in the network, the method comprising: selecting a display object on a device display in the network, generating at the display device a request associated with the selected display object, initializing, at the display device, a communication manager that monitors communication with the remote device, sending the request to the remote device in the network so that a corresponding remote method is invoked, receiving at the display device a reply from the remote device when the communication manager fails to detect communications errors . . . and displaying an interactive graphical interface on the display device when the received reply corresponds to the selected display object

Office Action (Jan. 17, 2006), p. 3, ll. 1-12 (citing Goldstein et al., col. 7, ll. 1-32; col. 10, ll. 45-63; and FIG. 3).

In the passages cited by the Examiner, Goldstein et al. describes:

a universal remote control device 5, . . . which controls a plurality of devices 6, 7, 8 and 9. . . . [T]he . . . remote control device 5 includes a touch-sensitive screen 10 which displays a plurality of icons 11-23. [See, e.g., FIG. 3.]

The user can select a number of commands for execution by the . . . remote control device 5 by touching the icon representing the device under control [(i.e., devices 6-9)]. . . . [T]he selection of these icons will provide a linked menu [(see, e.g., FIG. 3A)] for display on the touch-sensitive screen 10, permitting control functions for the devices 6-9 to be displayed and selected.

Goldstein et al., col. 7, ll. 4-33.

In the previous Office Action (mailed July 27, 2005), the Examiner admitted that “Goldstein does not teach the step of receiving the reply from the remote device when

the communication manager [fails to] detect communication errors.” *Office Action* (July 27, 2005), p. 3, ll. 20-21. In the present Office Action, however, the Examiner “interprets that if there is no error, then the step of receiving a reply is [met by the remote device] proceed[ing] as normal and expected in all instances.” *Office Action* (Jan. 17, 2006), p. 3, ll. 8-9. Applicants respectfully submit that the Examiner’s latter characterization of Goldstein et al. is incorrect.

Contrary to the Examiner’s assertion, Applicants can find nothing in Goldstein et al. indicating that the remote control device 5 (which the Examiner apparently interprets as the “display device” recited in claims 45 and 49) receives a reply from the remote device when the remote device is “proceed[ing] as normal and intended.” After the user selects a command icon, remote control device 5 transmits the command to the appropriate device 6-9. Goldstein et al., col. 7, ll. 23-33. However, nothing in Goldstein et al. describes a reply (as alleged by the Examiner) informing remote control device 5 whether the commanded device 6-9 has proceeded normally, or abnormally.

Although Goldstein et al. does describe a method by which the remote control device 5 may download information (e.g., new menu icons) in a video signal on television receiver 9 (see Goldstein et al. and its description at col. 13, l. 58, through col. 14, l. 55), this signal is not a “reply” to the remote control device 5 from the television receiver 9. Rather, it is embedded in the video signal by the television station. See *id.*, at col. 14, ll. 3-6 and 29-35.

As explained, Goldstein et al. fails to teach “receiving at the display device a reply from the remote device,” as alleged the Examiner. Consequently, Goldstein et al. also necessarily fails to teach “receiving at the display device a reply from the remote device when the communication manager fails to detect communications errors . . . and displaying an interactive graphical interface on the display device when the received reply corresponds to the selected display object,” as alleged by the Examiner.

For at least these reasons, Goldstein et al. fails to support the Examiner’s rejections of claims 45, 49 and 52. Accordingly, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn and the claims allowed.

Claims 46, 50 and 53

Initially, Applicants note that claims 46, 50 and 53 depend from claims 45, 49 and 52, respectively. As explained, the Examiner’s rejections of claims 45, 49 and 52 lack support in Goldstein et al. for at least the reasons given above. Accordingly, the Examiner’s rejections of claims 46, 50 and 53 likewise lack support in Goldstein et al. for at least the same reasons given above with respect to claims 45, 49 and 52.

Further, with respect to claims 46, 50 and 53, the Examiner asserts that “Goldstein teaches ... analyzing the received reply to determine whether the reply corresponds to the selected display object.” *Office Action (Jan. 17, 2006)*, p. 3, ll. 9-10. However, as explained above, Applicants can find no passage in Goldstein et al. (and the Examiner has pointed to none) that describes “receiving . . . a reply from the remote

device," let alone "analyzing the received reply," as alleged by the Examiner. Should the Examiner continue to rely on Goldstein et al. as teaching such analysis, Applicants respectfully request that the Examiner clearly indicate where Goldstein et al. is alleged to provide support for such teaching.

For at least these additional reasons, Goldstein et al. fails to support the Examiner's rejections of claims 46, 50 and 53. Accordingly, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn and the claims allowed.

Claim Rejections - 35 U.S.C. § 103

Claims 47, 48, 51 and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldstein et al. Applicants note that claims 47, 48, 51 and 54 depend, directly or indirectly, from claims 45, 49, 50 or 52. As explained, the Examiner's rejections of claims 45, 49, 50 and 52 lack support in Goldstein et al. for at least the reasons given above. Accordingly, the Examiner's rejections of claims 47, 48, 51 and 54 likewise lack support in Goldstein et al. for at least the same reasons given above with respect to claims 45, 49, 50 and 52.

In addition, the Examiner admits that "Goldstein does not disclose a timer being used in conjunction with the communications manager, and [does not disclose] various steps of timer communication requests for a communication rely such as setting / resetting / monitoring [a] countdown timer and terminating communications between devices" *Office Action (Jan. 17, 2006)*, p. 3, l. 19, through p. 4, l. 2. In the previous

Office Action, the Examiner relied on Abrams et al. (U.S. Patent No. 6,724,732) as teaching such recitations. *Office Action (July 27, 2005)*, p. 3, l. 21, through p. 4, l. 4. However, as pointed out in the response filed October 14, 2005, Abrams et al. is not prior art to the instant Application. In an attempt to cure this deficiency, the Examiner now asserts that “the use of a timer and its associated features in conjunction with ... communications monitoring networks are well known in the art” and concludes that “[i]t would have been obvious to an artisan at the time of the invention to include such a component and its functions with Goldstein’s method in order to provide a time-out means to prevent undesirable infinite waiting for a response from one communication device to another.” *Office Action (Jan. 17, 2006)*, p. 4, ll. 2-6.

Applicants respectfully traverse this assertion. “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested *by the prior art*.” M.P.E.P. § 2143.03 (8th Ed., Rev. 3, Oct. 2005) (emphasis added). Accordingly, Applicants respectfully request that the Examiner either cite a competent prior art reference to substantiate the Examiner’s conclusion that the subject matter of claims 47, 48, 51 and 54 would have been obviousness to one of ordinary skill, or else withdraw the rejection of these claims. See *id.*, at § 2144.03 (“If Applicant adequately traverses the examiner’s assertion [of “well known” prior art], the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained.”).

For at least these additional reasons, Goldstein et al. fails to support the Examiner’s rejections of claims 47, 48, 51 and 54. Accordingly, Applicants respectfully

request that the rejection of claims these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Conclusion

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

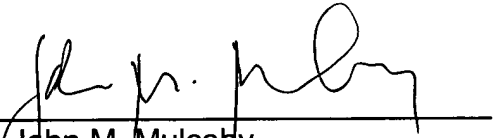
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: April 12, 2006

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